

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
18810-81553Total Pages in this Submission  
124

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

GENETIC MARKER FOR SPONDYLOEPIMETAPHYSEAL DYSPLASIA

RECEIVED

MAY 12 2003

and invented by:

Daniel H. Cohn, Muhammad Faiyaz ul Haque, Lily M. King, and Deborah Krawkow

TECH CENTER 1600/2900

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation    ☒ **Divisional**    ☐ Continuation-in-part (CIP) of prior application No.: 09/399,212

GROUP II

Which is a:

☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

## Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 64 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☒ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal      b. ☒ Informal      Number of Sheets 3
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☐ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☒ Genetic Sequence Submission (if applicable, all must be included)
- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☒ Assignment Papers (cover sheet & documents)
9. ☒ 37 CFR 3.73(b) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EL 900688403 US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
18810-81553

Total Pages in this Submission  
124

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: 1
17. ☐ Additional Enclosures *(please identify below):*

**REVOCATION OF PRIOR POWERS AND NEW POWER OF ATTORNEY**

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
18810-81553

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124

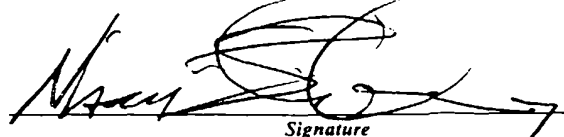
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	45	- 20 =	25	x \$9.00	\$225.00
Indep. Claims	12	- 3 =	9	x \$40.00	\$360.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$940.00

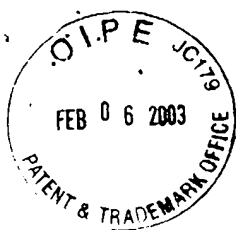
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-1597 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$940.00 as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: July 2, 2001

  
Signature

Nisan A. Steinberg, Ph.D.  
Registration No. 40,345  
SIDLEY AUSTIN BROWN & WOOD  
555 West Fifth Street  
Los Angeles, CA 90013-1010  
Ofc: 213/896-6665  
Fax: 213/896-6600

cc:



Receipt

PATENT  
18810-81553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Daniel H. Cohn, Muhammad Faiyaz ul Haque, Lily M. King and  
Deborah Krakow  
Serial No. 09/898,200  
Filed: July 2, 2001  
For: GENETIC MARKER FOR SPONDYLOEPIMETAPHYSEAL  
DYSPLASIA  
Examiner: Wehbe, A.M.S.  
Unit: 1632

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MAY 12 2003

**REQUEST FOR CORRECTION OF FILING RECEIPT  
FOR PTO MISTAKE (37 C.F.R. § 1.322 (a))**

TECH CENTER 1600/2

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D. C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS	
WASHINGTON, D. C. 20231, ON	January 30, 2003 DATE
BY	Christina Jong January 30, 2003 DATE OF SIGNATURE

Dear Sir or Madam:

Applicants request correction of Filing Receipt concerning the above-referenced application to indicate the projected publication date. Enclosed as Exhibit A is a marked up copy of the Filing Receipt dated November 11, 2002, which indicates *Request for Non-Publication Acknowledged*. Applicant made no such request, as evidenced by a copy of the *Utility Patent Application Transmittal (Small Entity)*, (enclosed as Exhibit B), in the above-referenced application. On Page 3 of 4 of Exhibit B, number 18, *Request That Application Not Be Published Pursuant to 35 U. S. C. 122 (b)(2)*, was not checked off.

PATENT  
18810-81553

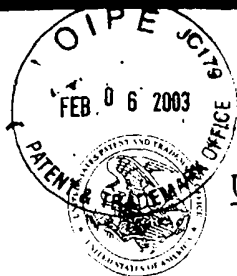
Applicants believe that there is no fee involved in the Request, however,  
the Commissioner is hereby authorized to credit overpayments or charge any fees  
required under 37 C.F.R. 1.16 or C.F.R. 1.17 to Deposit Account No. 50-1597.

Respectfully submitted,

By: 

Nisan A. Steinberg Ph.D.  
Registration No. 40,345

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555 West Fifth Street  
Los Angeles, California 90013-1010  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/898,200	07/02/2001	1632	940	18810-81553	3	45	12

CONFIRMATION NO. 5628

## FILING RECEIPT



\*OC000000007052483\*

SIDLEY AUSTIN BROWN & WOOD  
555 West Fifth Street  
Los Angeles, CA 90013-1010

Date Mailed: 11/09/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Daniel H. Cohn, Santa Monica, CA;  
Muhammad Faiyaz-Ul-Haque, Islamabad, PAKISTAN;  
Lily King, Los Angeles, CA;  
Deborah Krakow, Los Angeles, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/399,212 09/17/1999

## Foreign Applications

If Required, Foreign Filing License Granted 07/31/2001

Projected Publication Date: ~~Request for Non-Publication Acknowledged~~This was not requested  
←

Non-Publication Request: Yes

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Genetic marker for spondyloepimetaphyseal dysplasia

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).